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AUG 15 2008

In re Application of	:	
Hiroi et al.	:	
Application No. 10/758116	:	
Filing or 371(c) Date: 01/16/2004	:	ON PETITION
Patent Number: 7303719	:	
Issue Date: 12/04/2007	:	
Title of Invention:	:	
RESIN MOLDED ARTICLES	:	

This is a decision on the Petition for Duplicate Letters Patent Pursuant to 37 C.F.R. § 1.182, filed June 19, 2008. The petition is properly treated under.

The petition is **DISMISSED**.

Petitioner files the present petition requesting a duplicate Letters Patent, and in support of the petition asserts that the original letters Patent was never received at the correspondence address indicated on the PTOL-85B. Petitioner does not include an authorization to charge the petition fee to Petitioner's deposit account¹.

Petitioner is advised that where nonreceipt of the letters Patent is alleged (no petition fee), the showing required is the same as that set forth in MPEP 711.03(c).

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action.

¹ Petitioner is advised that the fee for a petition under 37 CFR 1.182 increased to \$400.00 effective December 8, 2004, and that a current fee schedule is available at www.uspto.gov.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). (Emphasis supplied)

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Any questions concerning this matter may be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
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Office of Petitions